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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,  
Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,  
Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORDER REGARDING CASE  
MANAGEMENT CONFERENCE**

1 **[PROPOSED] ORDER**

2 Before this Court is the parties' joint request for a case management conference (Dkt.  
3 #488), filed September 17, 2014. The parties were required to file their joint pretrial order by  
4 October 14, 2014<sup>1</sup> and sought the court's guidance regarding the scope of trial and certain  
5 discovery disputes. The Court has considered the parties' papers and the arguments of counsel at  
6 a hearing conducted on October 9, 2014.

7 Oracle filed its initial complaint in January 2010 alleging, among other things, that  
8 Rimini's support services infringed Oracle's PeopleSoft, J.D. Edwards, and Siebel copyrighted  
9 software (Dkt. #1). Discovery began in April of that year. Oracle filed its second amended  
10 complaint in April 2011 alleging that Rimini also infringed Oracle's copyrighted Database  
11 software (Dkt. #146). Fact discovery closed in December 2011 and expert discovery closed June  
12 15, 2012.

13 In 2012, Oracle filed two summary judgment motions based on its copyright  
14 infringement claims. In February and August 2014, the Court granted in part those motions, (1)  
15 finding that Rimini had infringed Oracle's PeopleSoft and Database product lines, and that  
16 Oracle had proved its prima facie infringement case as to the Siebel and JD Edwards product  
17 lines, (2) finding against Rimini on several of its affirmative defenses, and (3) dismissing  
18 Rimini's remaining counterclaims.

19 Rimini claims that in response to the Court's February 13, 2014 Order, Rimini adopted a  
20 new non-infringing support model. Rimini seeks to admit evidence of its new process at trial.  
21 Oracle argues that it would need extensive discovery to test Rimini's assertion that Rimini's new  
22 support model is non-infringing. Oracle further contends that the time necessary for this  
23 discovery would unduly delay trial. Oracle thus argues that the parties' joint pretrial order and  
24 the trial should be limited to the support processes Rimini used up to February 13, 2014, and  
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26 <sup>1</sup> At the October 9, 2014 hearing regarding the parties' request for a case management  
27 conference, the Court extended the parties' deadline to file their joint pretrial order to October  
28 28, 2014.

1 should exclude Rimini's claimed new support process.

2 This case has been pending for nearly five years and, under the Court's supervision, fact  
3 and expert discovery has been completed. The parties require leave of Court to engage in any  
4 further discovery other than the supplementation required by Rule 26(e). Moreover, Oracle has  
5 offered to stipulate not to seek damages in this case for the period on or after the District Court's  
6 February 13, 2014 order, and the Court will hold Oracle to that offer. Accordingly, the February  
7 13, 2014 order is not a basis to reopen discovery, and the Court declines to do so. While the  
8 District Court will decide the admissibility of Rimini's expert's opinion on the proposed method  
9 of calculating damages, the full discovery on that theory has been conducted. Discovery will  
10 remain closed, and the case will remain as it was put in at the close of discovery, not thereafter.

11 DATED: October 17, 2014

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16 *Attorneys for Plaintiffs*

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18 APPROVED AS TO FORM:

19 DATED: October 17, 2014

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23 *Attorneys for Defendants*

24 **IT IS SO ORDERED** this 23rd day  
25 of October, 2014

26 

27 Peggy A. Leen  
28 United States Magistrate Judge

**ATTESTATION OF FILER**

The signatories to this document are myself and Robert Reckers and I have obtained Mr. Reckers's concurrence to file this document on his behalf.

DATED: October 17, 2014

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